

**Montana Department  
of  
Fish, Wildlife & Parks**



1400 So. 19th  
Bozeman, MT 59715

August 28, 1996

TO: Governor's Office, Glenn Marx, Room 204, State Capitol, P.O. 200801, Helena, MT 59620-0801  
Environmental Quality Council, Capitol Building, Room 106, P.O. Box 201704, Helena, MT 59620  
Dept. Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901  
Montana Fish, Wildlife & Parks

Director's Office  
Parks Division  
Fisheries Division  
Wildlife Division  
Lands Section  
Design & Construction Bureau  
Legal Unit  
FWP Commissioners  
Dennis Flath

MT Historical Society, State Historic Preservation Office, POB 201202 Helena, MT 59620-1202  
MT State Parks Association, P.O. Box 699, Billings, MT 59103  
MT State Library, 1515 E. Sixth Ave., POB 201800, Helena, MT 59620  
James Jensen, Montana Environmental Information Center, POB 1184, Helena, MT 59624  
Janet Ellis, Montana Audubon Council, POB 595, Helena, MT 59624  
George Ochenski, POB 689, Helena, MT 59624  
Anaconda - Deerlodge County Commissioners,  
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771  
Wildlife Federation, P.O. Box 1175, Helena, MT 59624  
Wayne Hurst, P.O. Box 728, Libby, MT 59923  
Glen Hockett, 745 Doane Road, Bozeman, MT 59715

Ladies and Gentlemen:

You recently received documents relating to the Montana Fish Wildlife & Parks (FWP) proposal to purchase a conservation easement on approximately 1,600 acres of the **WH Ranch** east of Anaconda.

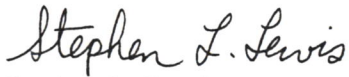
The draft documents you received were not changed after a public review period. Please consider your previous copies as a final version.

Comments received regarding the WH Ranch easement proposal are summarized in the enclosed **Decision Notice**. **It is my recommendation to purchase a conservation easement on the WH Ranch subject to approval by the FWP Commission.**

The FWP Commission will be asked to approved the purchase of this property at their regularly scheduled meeting on September 13, 1996 in Miles City.

If you have any further questions regarding this proposal, please call Region Three Headquarters at 994-4042.

Sincerely,

A handwritten signature in cursive script that reads "Stephen L. Lewis".

Stephen L. Lewis  
Regional Supervisor

**DECISION NOTICE**  
**WH RANCH COMPANY EASEMENT ACQUISITION**  
**Prepared by Region 3, Montana Fish Wildlife & Parks**  
**August 28, 1996**

**PROPOSAL**

The proposed action is for Montana Fish, Wildlife & Parks (FWP) to purchase and monitor a conservation easement on the WH Ranch. The easement would pertain to 1,600 acres of the ranch which is all of the deeded WH Ranch except for 194 acres. The easement would include all of the habitat types on the ranch deemed important for protection. FWP would purchase the conservation easement for \$315,000 with funds from the Habitat Montana Program, which are derived primarily from non resident hunting license fees.

The specific terms of the easement in their entirety are contained in a separate legal document which is the "Deed of Conservation Easement". This document lists FWP's and the landowner's rights under the terms of the easement as well as restrictions on landowner's activities. The rights of both parties and restrictions on some landowner activities were negotiated with and agreed to by the landowner. The intent of these rights and restrictions are to preserve important wildlife habitats in perpetuity while maintaining current and historic agricultural uses of this property.

**MONTANA ENVIRONMENTAL POLICY ACT PROCESS**

FWP is required to assess impacts to the human and physical environment. The WH Ranch Easement proposal and its effects were documented by FWP in an Environmental Assessment to satisfy the Montana Environmental Policy Act (MEPA).

A 30 day public comment period ran from July 24 through August 23, 1996. Public notices of the proposed action were placed in area newspapers and a public hearing was held at Fairmont Resort on August 14, 1996. Approximately 120 copies of the Environmental Assessment were mailed out to adjacent landowners, sportsmen groups, and other interested parties. In addition, representatives from FWP met with the Anaconda/Deerlodge County Planning Board to explain the proposal and answer questions. The proposal was also discussed at meetings of the Skyline Sportsmen's Club and Anaconda Sportsmen's Club.

No new issues were generated during the public comment period and no revisions were made to the Draft Environmental Assessment, which will therefore serve as the Final Environmental Assessment.



## **ISSUES RAISED IN THE ENVIRONMENTAL ASSESSMENT (EA)**

The EA lists the issues in detail. These include effects of the proposed conservation easement and potential consequences should an easement not be established on the WH Ranch. Land immediately adjacent to the WH Ranch has been or is in the process of being subdivided. This type of development is the greatest threat to wildlife habitats and the public's use of the wildlife resource in the area.

Values of the WH Ranch that would be protected in perpetuity by the conservation easement but might otherwise be threatened include; valuable wildlife and habitat resources; public hunting access on the WH Ranch; aesthetic values; implementation of a rest-rotation grazing system and traditional use of the land as a productive family-owned ranch. An easement would require additional monitoring by FWP including periodic inspections and meetings with the landowner but would have no impact on local tax revenues.

## **SUMMARY OF PUBLIC COMMENTS**

We received a total of 34 comments including 29 written and 5 verbal during the public hearing. A summary of the comments follows.

### **Written Comments**

#### **Supportive**

Thirty-three of the comments were very supportive of the WH Ranch conservation easement. A number of written comments emphasized the importance of maintaining wildlife habitat values, public hunting, and public access on the WH Ranch. Several comments noted the long history of public hunting on the WH Ranch and its importance to local people. Nine comments expressed support for the no subdivision stipulation because of on going subdivision adjacent to the WH Ranch. A number of comments stressed the importance of maintaining the existing land use (as opposed to residential development) and preserving a family ranch operation for future generations. Two comments indicated support as the easement will help maintain cultural values in the area. One comment noted the importance of deer habitat on the WH Ranch. Two comments noted the importance of the grazing system for maintaining vegetation, soils, and wildlife habitat. Several comments expressed the importance of maintaining outdoor recreational values for future generations.

A letter supporting the easement was received from the Beaverhead-Deerlodge National Forest. The Forest Service letter notes, "The proposed easement is located on private land in close proximity to Beaverhead-Deerlodge National Forest lands, particularly Butte Ranger District...This conservation easement will provide for needed low elevation wildlife habitat and riparian areas, while adding to the overall

acreage of available wildlife habitat in the general area." The Montana Historical Society expressed support for the easement because of the, "beneficial results for any cultural resource values in the area of impact." Two local sportsmen's clubs also sent letters expressing strong support for the easement. The Anaconda-Deerlodge County Planning Department sent a letter of support indicating the WH Ranch proposed easement is consistent with their Master Plan.

One comment expressed general support for the easement with the exception of the no commercial timber harvest stipulation.

**Comment:** "One portion I do not agree with is limiting timber use to posts and poles. I feel the landowner should be able to selectively harvest available timber in a manner approved by the Department of Natural Resources and Conservation".

**FWP Response:** There is about 100 acres of timber on the WH Ranch. Most of the timber is small size non-commercial timber; mainly post and pole material. Timber on the WH Ranch provides very important thermal and security cover for big game populations. The landowner wishes to manage these timber stands as a source of sustainable post and pole material for the ranch operation.

### **Opposed**

One comment expressing opposition to the easement was received.

**Comment:** "I feel that if anyone owns a piece of land, pays the taxes and is a steward of this land they should be able to use it as they see fit - without interference from FWP. They have purchased the right to use it to their advantage for grazing hunting & fishing or subdivision. In today's economy any or all may be necessary to stay solvent."

**FWP Response:** WH Ranch Company requested FWP consider their ranch for a conservation easement. FWP is proposing to pay \$315,000 for the easement. In selling FWP the conservation easement WH Ranch is exercising their rights as a private landowner.

### **Public Hearing**

A public hearing was held at Fairmont Resort on August 14, 1996. A total of 19 people attended of which 5 provided formal testimony. All of the testimonies supported the proposed easement. Major points made during the testimonies included the following:

The proposed easement will maintain outdoor recreational values for future generations. It is good that the easement will maintain public hunting. Appreciation was expressed for FWP and the WH Ranch working together for the benefit of wildlife habitat. "A great place to hunt."



Prior to formal testimony, FWP personnel presented information on the WH Ranch easement proposal. Following the presentations, a number of questions were asked regarding conservation easements and impacts the proposed easement would have on: grazing and big game numbers; access and road management; property taxes; building construction on the ranch; and changes in land ownership. Many of these questions are also addressed in the Environmental Assessment package which was distributed at the hearing.

## **DECISION**

**Utilizing the EA and public comment, a decision must be rendered by FWP which addresses the concerns and issues identified for this proposed easement.**

Given the choice, both FWP's analysis and public input strongly support preserving existing land use on the WH Ranch over risking possible land use changes (e.g. residential development). The WH Ranch contains a diversity of habitats and supports a unique mix of game and non-game wildlife species. A tradition of public hunting has developed on the WH Ranch over many years. All of these valuable resources may be threatened by land use changes which are presently occurring throughout Montana. A conservation easement would guarantee historical uses of the WH Ranch by wildlife, ranchers, and the public would be maintained in perpetuity.

**After review of this proposal and the corresponding public support, it is my recommendation to purchase a conservation easement on the WH Ranch subject to approval by the FWP Commission.**

Stephen L. Lewis

Stephen L. Lewis  
Regional Supervisor  
Bozeman, MT  
August 28, 1996